



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

TODD P. GRAVES

Contact Don Ledford, Public Affairs • (816) 426-4220 • 400 East Ninth Street, Room 5510 • Kansas City, MO 64106

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FOR IMMEDIATE RELEASE**

COLUMBIA ONCOLOGIST WILL PAY \$1 MILLION, SURRENDER MEDICAL LICENSE IN FEDERAL CIVIL SETTLEMENT

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that a Columbia, Mo., oncologist has agreed to pay \$1 million and to surrender his medical license under the terms of a federal civil settlement that is effective today.

Dr. James N. Hueser, M.D., is an oncologist (a physician who specializes in cancer treatment) whose primary practice location is at the Boone Clinic in Columbia with a secondary practice location at the Bothwell Regional Health Center in Sedalia, Mo. Hueser, who holds privileges in several regional hospitals in central Missouri, also provides oncology services at rural clinics at the Hermann Area District Hospital in Hermann, Mo., the Hannibal Clinic in Hannibal, Mo., and the George Rea Cancer Clinic in Kirksville, Mo.

“We allege that Hueser defrauded the federal Medicare program by submitting false claims for reimbursement,” Graves said. Under the terms of today’s settlement agreement, Hueser does not admit liability but seeks to avoid further litigation related to the government’s allegations.

“Hueser will pay \$1 million and surrender his medical license by Dec. 31, 2005,” Graves said. “He also agreed to a permanent exclusion from Medicare, Medicaid, and all other federal health care programs.”

In exchange for those concessions, Graves said, the government agreed to release Hueser from liability for the conduct covered in today’s agreement.

In today’s settlement agreement, the government alleges that Hueser submitted false claims for reimbursement for cancer treatments and medical services that were not reasonable or medically necessary from Feb. 18, 1999, through Sept. 27, 2001.

“Hueser allegedly based treatment choices not on what was best for patients, but on what would produce the most financial gain,” Graves said.

The government also alleges that Hueser submitted false claims for reimbursement for single-use chemotherapy drugs that were administered contrary to FDA protocols from July 17, 2001, through Oct. 2, 2001.

“Vials of drugs that should have been discarded after one use, were instead re-used and administered to additional patients,” Graves said. Generally, these drugs – such as Etoposide, 5-F-U, Proleukin and Camptosar – are to be thrown away after a single use, even if there is still some of the unused drug in the vial. These drugs are designated “single-use” due to the risk they may become unstable, less potent, or contaminated after use.

Although the government’s investigation continues, Graves noted that there is no evidence that patients were harmed as a result of receiving contaminated or ineffective drugs.

The government alleges that Hueser also submitted false claims for reimbursement for multi-dose vials of Herceptin, which is used to treat breast cancer, from May 18, 2000, through Feb. 13, 2001.

“When patients didn’t need the full amount of medicine in the 440-milligram vial,” Graves explained, “Hueser allegedly administered the remaining medicine to other patients, but submitted multiple Medicare claims to be reimbursed for an entire vial for each of those patients.”

The government makes the following additional allegations contained in the settlement agreement:

- * From Jan. 3, 2000, to Dec. 28, 2001, Hueser submitted false claims for reimbursement for refilling implantable infusion pumps, when his patients did not have pumps.

- * From May 18, 2000, to May 1, 2001, Hueser submitted false claims for reimbursement for hours of chemotherapy administration in excess of the time actually used to administer chemotherapy to his patients.

- * From Jan. 10 to Sept. 12, 2000, Hueser submitted false claims for reimbursement for patient office visits when Hueser did not meet or treat the patients.

- * From Feb. 18, 1999, through Sept. 27, 2001, Hueser submitted false claims for reimbursement for cancer treatments and medical services without the requisite supporting documentation.

This civil matter was litigated by Assistant U.S. Attorney Joel May. The civil investigation was conducted by the Department of Health and Human Services – Office of

Inspector General.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at

www.usdoj.gov/usao/mow/index.html